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February 19, 2021

Via ECF

The Hon. Laura Taylor Swain, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Universitas Education, LLC v. Nova Group, Inc. et al.*, No.
1:11-cv-1590 and *Nova Group, Inc v. Universitas Education,*
LLC, No. 1:11-cv-8726

Dear Judge Swain:

This firm represents Grist Mill Capital, LLC (“GMC”)—a turnover
respondent in each of the two above-captioned actions. I write now under Fed. R.

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Civ. P. 11(c)(2) to withdraw GMC's Fed. R. Civ. P. 60(b) motion. (ECF No. 678–81.)¹ GMC will be filing a revised Rule 60(b) motion presently.

GMC reluctantly withdraws its prior motions in response to the repeated, baseless and unprofessional threats from Joseph L. Manson III, lead counsel for Counsel for Universitas Education, LLC's ("Universitas"), who appears here pro hac vice (ECF No. 694). By contrast, I have been a member of this Court's bar in good standing since 1983 and presently serve as a mediator on this Court's Mandatory Mediation Panel.

Complying with this Court's Individual Practices Rule A.2.b.i.(1), in December, I sent a letter to counsel for Universitas outlining GMC's legal and factual positions relating to GMC's then-proposed motion under Rule 60(b). Then, about two weeks later, complying further with this Court's Individual Practices, we held a telephonic discussion of the matters presented by GMC original Rule 60(b) motion with Mr. Manson and his colleague. During that conversation, Mr. Manson threatened to seek sanctions against my law firm and me if we had the temerity to file a Rule 60(b) motion on behalf of our client, which in six years of litigation had never before filed a motion.

On January 5, 2021, GMC filed its original Rule 60(b) motion—the motion we now ask to withdraw. Then, on January 15, 2021, making good on Mr. Manson's prior threat, Universitas e-mailed me copies of a motion for sanctions against my law firm and me under Fed. R. Civ. P. 11. (Universitas does not seek to sanction GMC.) In doing so, Mr. Manson made clear that Universitas would "move for sanctions irrespective of whether [GMC] withdraw[s] the motion" under Fed. R. Civ. P. 11(c). In other words, Universitas did not intend to give my law firm and me the benefit of Rule 11(c)'s safe harbor provision.

Universitas's potential motion for sanctions would be frivolous. It relies exclusively on conduct by parties other than GMC. Between mid-2014 and the filing of the current motion, GMC itself filed nothing in these litigations. GMC nevertheless takes the opportunity provided by Rule 11(c)(2) to hone the

¹ All references to ECF entries in this letter refer to the docket in *Universitas Education, LLC v. Nova Group, Inc., et al.*, No. 1:11-cv-1590. The same motion appears on the docket in the

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arguments raised in its Rule 60(b) motion. To that end, GMC, by this letter, withdraws its prior motion under Rule 60(b).

Respectfully submitted,

/s Roger Stavis
Roger Stavis

cc Counsel of record (via ECF)

